

May 20, 2005

SUBJECT:

A report and recommendation on a Plat of Subdivision, Record Plat, for the Baluyot Subdivision located at 4 Weebetook Lane in the neighborhood of Hyde Park.

BACKGROUND:

William J. Patterson, an attorney with the firm of Finney, Stagnaro, Saba and Klusmeier Co., LPA, submitted a Plat of Subdivision, Record Plat, for the Baluyot Subdivision that was prepared by Nichols Surveying. The property owners are Augustina and Sabinot Baluyot. The subject property is located at 4 Weebetook Lane and has frontage on Field Lane both streets are private. The property is zoned SF-20, a single-family large-lot district requiring a minimum of 20,000 square feet (or .4591 acre) for newly created lots. A single-family residence is currently located on a 1.69-acre lot containing 73,748 square feet.

SUBDIVISION:

Under §410.1(d) of the City Planning Commission's Subdivision Regulations any person who wishes to establish a subdivision on a private street must submit a Certificate of Access along with the application for subdivision. This certificate shall consist of a letter from an attorney experienced in real estate matters certifying there is legal access to the property for subsequent owners and the private street is open to emergency vehicles. In addition §410.1(d) states, in part, that subdivision by plat of lots fronting on an existing private street is permitted if the private right-of-way is a minimum of 21 feet wide with an 18-foot wide pavement constructed to meet requirements of the Cincinnati Fire Prevention Code.

The Plat of Subdivision, Record Plat, illustrates the reconfiguration of the existing lot at 4 Weebetook Lane into two lots, identified as Proposed "Lot 1" and "Lot 2". Lot 1 contains 1.2019 acres and the existing single-family residence. Lot 2 includes .4911 acres. Both lots have frontage on Field Lane. According to the submitted plat, Field Lane is a private street within an established 40-foot easement and a 20-foot pavement surface, thus meeting the requirements of §410.1(d). William J. Patterson, an attorney with the firm of Finney, Stagnaro, Saba and Klusmeier Co., LPA, submitted a Certificate of Access to the Baluyot Subdivision from either Weebetook Lane or Field Lane with the application for subdivision in compliance with §410.11.

RECOMMENDATION:

The Department of Community Development & Planning staff recommends that the City Planning Commission approve the proposed Plat of Subdivision, Record Plat, for the Baluyot Subdivision finding that the plat conforms to the Subdivision Regulations and has the approval of all reviewing agencies.

APPROVED:

Respectfully Submitted,

Margaret A. Wuerstle, AICP
Chief Planner

Stephen C. Briggs
Senior City Planner

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May 4, 2005

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05-05-05P01:58 RCVD

VIA ORDINARY MAIL

Mr. Steve Briggs
CITY OF CINCINNATI
Planning Department
805 Central Avenue, Suite 720
2 Centennial Plaza
Cincinnati, Ohio 45202

Re: Revised Application for Approval of the Baluyot Subdivision (the "Subdivision")
of Certain Real Property Located at 4 Weebetook Lane (the "Property")

Dear Steve:

This letter shall serve as an amended application for approval of the Subdivision of the above-noted Property and shall supersede the prior application letter from our office dated March 17, 2005. Enclosed with this letter, please find the following materials in support of such application: (i) a mylar and three (3) paper copies of the proposed subdivision plat (the "Plat"); (ii) an application fee in the amount of \$100.00 (previously paid); (iii) copies of conditional approval letters that we have already obtained from Greater Cincinnati Waterworks and MSD (hereafter defined); and (iv) the initial legal descriptions for the Proposed Lot 1 and Proposed Lot 2 as shown on the plat.

This amended application letter shall also serve as the Certificate of Access for the Subdivision (hereafter defined) pursuant to the Rules and Regulations of the Cincinnati City Planning Commission for the Subdivision of Land. The undersigned hereby certifies that I am an attorney licensed to practice law and am in good standing with the State of Ohio as well as experienced in real estate matters. The undersigned further certifies that there is legal access to the Property (being both the properties identified as Proposed Lot 1 and Proposed Lot 2) in the Baluyot Subdivision (the "Subdivision") across either Weebetook Lane or the 40' private street known as Field Lane as shown thereon and that such Field Lane is open to emergency vehicles (please note it is our understanding that the portion of Weebetook Lane adjacent to the Property is a public street).

As indicated above, we previously contacted the Metropolitan Sewer District of Greater Cincinnati ("MSD") regarding sanitary sewer facilities for the Subdivision. We have confirmed that sanitary sewer is available to service the new lot in the Subdivision, pursuant to the revised conditional availability of sewers letter enclosed herewith from Thomas Schwiens of MSD dated April 20, 2005. Both conditions listed in such letter will be satisfied as follows:

1. Paragraph #1: The storm water from the new home will drain to the existing catch basins in Field Lane (as shown on the Plat). It should be noted that the existing tennis court will be removed and the new home